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 AGRICULTURAL ADJUSTMENT ADMINISTRATION
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1941 AGRICULTURAL CONSERVATION PROGRAM
 NORTH CENTRAL DIVISION

PROCEDURE TO BE FOLLOWED IN THE COUNTY
 OFFICE IN FURNISHING LIMING MATERIAL.



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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
Washington, D. C.

1941 AGRICULTURAL CONSERVATION PROGRAM
NORTH CENTRAL REGION

PROCEDURE TO BE FOLLOWED IN THE COUNTY
OFFICE IN FURNISHING LIMING MATERIAL.

PART I. GENERAL INSTRUCTIONS.

1. The Agricultural Adjustment Administration, upon the request of producers and under the conditions specified herein, will furnish liming material to be used in carrying out approved soil-building practices on farms in approved counties in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.
2. When the county committee has been notified that bids for ground limestone have been approved establishing a source of supply, they should immediately advise all producers of the specifications of the ground limestone that may be secured through the county committee. Producers should likewise be notified in counties where a source of supply for marl, paper mill refuse lime, sugar beet refuse lime, or other liming material has been established.
3. The provisions of the 1941 Agricultural Conservation Program regarding the manner of using liming material shall be fully explained to any producer requesting liming material.
4. The county committee will designate a person, who may be one of their number, to be responsible for and to supervise the handling of requests and the delivery of all liming material to the producers.
5. Depending on the methods of delivery available in the county, liming material delivered in bulk will be furnished to farmers by one or more of the following different methods:
 - A. Delivered and spread on the acreage to be limed. A request for spreading should not be approved if the field of the producer is too rough, soft, or in a condition that the contractor cannot spread the liming material with a truck.
 - B. Delivered to the farm and unloaded.
 - C. Delivered at the quarry.
 - D. Delivered at a local distributing point or railroad siding when aggregate requests for the material by producers total at least a "Minimum" carload. The number of tons considered to be a minimum carload will be determined by the State committee.

6. In no case should a request for less than 4 tons of liming material for a single producer be approved for any type of delivery.

7. No deposits will be required for liming material.

8. The general plan for the handling of orders for liming material is as follows:

A. Other than Carlot Shipments. Producers will request liming material from the county committee.

(1) The county committee will:

- a. Determine the producer's eligibility.
- b. Forward orders for the material to the quarry or dealer.
- c. The producer may take his order to the quarry in the case of a quarry delivery.

(2) The dealer or quarryman will:

- a. Deliver the material called for by the order.
- b. Obtain delivery receipts from the farmers to whom material is delivered.
- c. Prepare delivery summaries and forward them and delivery receipts to the county office.

(3) The county office will:

- a. Check these forms and send them to the State office.

B. Carlot Shipments. Orders will be forwarded to the State office.

(1) The State office will:

- a. Determine the quarry where the order should be placed.
- b. Check the orders and data pertaining thereto.
- c. Prepare the bills of lading for the material to be shipped and transmit them, together with the orders, to the quarry.
- d. Notify the county office that the order has been placed.

(2) The county committee will:

- a. Supervise distribution of the liming material through a designated consignee.

(3) The consignee will:

- a. Supervise distribution of liming materials.
- b. Obtain receipts for liming material distributed.
- c. Forward receipts to the State office.

9. In cases where an award is made for a quarry rail type of delivery, Form NCR-530-a will be received from the State office indicating freight rates to various points throughout the county.

PART II. ELIGIBILITY OF PRODUCERS FOR LIMING MATERIALS.

The county committee shall determine the eligibility of producers to receive liming materials in accordance with the following instructions:

1. The value of the total quantity of liming material furnished any person shall not exceed 70 percent of the payment which the county committee believes will be earned by such person for participation in the 1941 Agricultural Conservation Program.
2. A producer who has requested superphosphate may be furnished liming material, provided the sum of the value of both materials requested does not exceed 70 percent of the payment which the county committee believes will be earned by such person for participation in the 1941 Agricultural Conservation Program.
3. A producer who has made an assignment on Form ACP-69, "Assignment," of any of his 1941 Agricultural Conservation Payment, and a producer whose name appears or should appear on the Register of Indebtedness will be eligible for liming material, provided the amount of the assignment or indebtedness, when added to the value of the material being furnished, does not exceed 70 percent of the payment which the county committee believes will be earned by such person for participation in the 1941 Agricultural Conservation Program.
4. Application of more than two tons of liming material per acre should not be approved by the county committee unless sufficient soil tests have been made indicating to the satisfaction of the county committee that the application of a larger amount of liming material per acre is necessary.

PART III. DEDUCTIONS, PENALTIES, AND REFUNDS.

1. A deduction from the producer's 1941 Agricultural Conservation Payment will be made in the amount of the value of the liming material furnished the producer. A deduction from the producer's payment will be made even though he refuses to take delivery of the material requested by him.
2. Liming material is furnished under the conservation materials program for agricultural uses, and, if used for other purposes, the rate of deduction will be twice the amount of the usual rate of deduction for that portion of the material misused.

3. Where a producer obtains liming material but, due to weather conditions, lack of available labor, or other causes beyond his control, did not use it during the program year but stored it for future use, he should be allowed to use the material the following year. The deduction for the value of the material should be made from the payment for the program year during which it was furnished. If in the following year the material is used in accordance with the provisions of the program for such year, soil-building credit will be given for the application of the material. If the material is misused, the rate of deduction will be twice the amount of the usual rate of deduction for that portion of the material misused.

4. If at the expiration of the program year a producer has material stored which could have been used during the program year, no soil-building credit will be given for using the material. In such cases, the county committee should request that the material be immediately used in an approved manner, and, if so used, a deduction should be made at the regular rate, and if not so used, a deduction should be made at twice the usual rate of deduction.

5. If the value of the material supplied a producer is in excess of his 1941 Agricultural Conservation Payment, the excess amount shall be repaid to the Government. The refund shall be in the form of a postal money order, certified check, or cashier's check, payable to the Treasurer of the United States, and forwarded to the State office with a memorandum explaining the circumstances.

PART IV. PROCEDURE FOR ESTABLISHING SOURCES OF SUPPLY AND HANDLING CONTRACTS.

1. General Plan.

A. The Method of Furnishing Material by Government Purchases.

The general plan for making liming material available to farmers is to establish in strict accordance with this procedure sources of supply from which material may be secured. The fundamental governing provisions covering Government purchases are contained in Section 3709, Revised Statutes of the United States, quoted in part as follows:

"Except as otherwise provided by law, all purchases and contracts for supplies or services in any of the departments of the Government....., except for personal services, shall be made by advertising..... for proposals respecting the same....."

Under the supervision of the State committee, county committees will solicit bids for liming materials from regular dealers and manufacturers and recommend them to the State committee for acceptance. The State committee member authorized to act as contracting officer will make the award and authorize the county committee to proceed with the acceptance of requests for material and placing of orders.

B. Type of Agreement Entered into with Contractor.

It is not possible to adequately determine the amount of liming material that will be ordered in a particular locality, and there are other factors that make it inadvisable for the Government to enter into a contract with the contractor. Therefore, under this program, the agreement entered into represents a continuing offer by the contractor to furnish material at the price indicated in his bid, in accordance with the terms of the offer. However, a binding contract is created when orders are placed with the contractor, making him liable for failure to deliver the amount ordered. The agreement may be terminated at any time by the Government upon proper notice to the contractor for the reasons specified in Section 7 of Part IV of this procedure, or by the contractor upon proper notice to the Government. Any question arising in connection with terminating the agreement must be directed immediately to the State committee for consideration.

Any questions arising not covered by this procedure must be referred to the State committee for further instructions.

2. Preliminary Steps to Soliciting Bids.

A. Preliminary Steps.

The county committee will request authority from the State committee to solicit bids by entering the following information on Form NCR-565, "Request for Authority to Solicit Bids to Establish Sources of Supply of Liming Materials," and forward the original and one copy to the State committee for approval. A form NCR-565 shall be submitted for each type of material desired.

- (1) Area Desired. Area in the county for which a source of supply is desired. For example, the entire county or certain townships.
- (2) Type of Price Desired - Township or County. Whether township prices or single county price is desired. Advertising for township prices will generally result in better prices and is recommended.
- (3) Prevailing County Prices. Estimate of the prevailing commercial prices in the county (county average).
- (4) Material - Type Desired. The type of material desired, i.e., ground limestone, marl, paper mill refuse lime, sugar beet refuse lime. It is permissible to recommend advertising for more than one type of material if the needs of the county justify it. If more than one type of material is advertised for, separate advertisements will be necessary.

a. Bids may not be solicited for any other material without prior approval obtained from the North Central Division through the State committee.

b. No deviation from the bid specifications, as prescribed by the North Central Division, will be permitted.

(5) Delivery - Type Desired. The type or types of delivery desired, i.e., f.o.b. quarry (truck or rail), f.o.b. railroad siding, delivered to farm, and spread on fields.

a. It is desirable to limit the types of delivery in the county to as few as possible. However, invitations may be made for more than one type of delivery if desirable. Since the bid invitation provides space for offering all types of delivery, it will be necessary that the county committee indicate to the bidder at the time of transmitting the bid invitation to him the type or types of delivery being advertised for in the county.

(6) Estimate of Amount of Material.

a. The county committee will estimate the probable amount of material that will be ordered by farmers during the term of agreement.

(7) Regular Dealers and Manufacturers. The county committee will list regular dealers and manufacturers normally supplying material for the area.

a. A "regular dealer" is a person who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business.

b. A person in the trucking business with adequate equipment, who is not regularly engaged in the purchase and sale of lining materials, cannot qualify as a regular dealer under the provisions of the Walsh-Healey Act and, accordingly, cannot be accepted for a contract in excess of \$10,000.

c. A "manufacturer" is a person who owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

B. Authorization to Solicit Bids.

- (1) The State committee will authorize the county to proceed with advertising for bids by approving Form NCR-565, "Request for Authority to Solicit Bids to Establish Sources of Supply of Liming Materials."

C. Sample Bid Form.

- (1) State committee will provide a sample of the bid form to be used, U. S. Standard Form 33, Revised, together with instructions to the bidder, Form NCR-568, and a supply of bid forms.
- (2) The State committee will also furnish a supply of Form NCR-566, "Operating Equipment and Source of Supply Statement," which should be attached to each invitation to bid. This form must be completed by the bidder and submitted with his offer.
- (3) The State committee will furnish a supply of "Special Conditions Applicable to all Proposals for Materials, Supplies, Articles, or Equipment in any Amount Exceeding \$10,000. (Walsh-Healey Act)"
- (4) If additional names of bidders to be solicited are known to the State committee, they will be furnished to the county committee by inserting them on the approved Form NCR-565, "Request for Authority to Solicit Bids to Establish Sources of Supply of Liming Materials."

3. Soliciting Bids.

A. Method of Solicitation.

Bid invitations will be mailed to all responsible manufacturers and dealers and a copy of the bid invitation posted in the post office. Paid advertisements in newspapers are not authorized.

B. Who Should be Solicited.

It is necessary that the widest competition be had through sending invitations to bid to all responsible manufacturers and dealers normally supplying the localities covered by the bid. Free and open competition must be obtained in order to fulfill the requirements of the law. If any person requests permission to bid, he must be given an invitation to bid. However, if it is determined from investigation that he is not a regular dealer or manufacturer, while it is necessary to receive his bid and forward it to the State committee, it cannot be recommended for an award exceeding \$10,000 in value.

- (1) If a bid invitation is voluntarily given to a bidder, it is presumed that he is a responsible bidder. However, this presumption can be overcome by additional information.

- (2) The fact that convict labor will be used in the manufacture of liming material is not sufficient reason to deny a penal institution an opportunity to bid.

C. Persons Excluded from Bidding.

The following persons may not have any interest in a Government contract for liming materials: Agricultural conservation community committeemen, county committeemen, agricultural conservation county office employees, State agricultural conservation committeemen, agricultural conservation State office employees, other Federal employees, and any member of or delegate to Congress or Resident Commissioner.

D. Attach Conditions of Walsh-Healey Act.

The county committee will consider the estimated quantity of material required, the probable source of supply, and approximate cost for determination as to whether any contract obtained therefrom may exceed \$10,000 in value. If it may, it will be necessary to attach and make a part of the advertisement the "Special Conditions Applicable to all Proposals for Materials, Supplies, Articles, or Equipment in any Amount Exceeding \$10,000. (Walsh-Healey Act)

- (1) For further discussion of the Walsh-Healey Act see Page 18.

E. Preparing the Advertisements.

- (1) The county committee will prepare the necessary advertisement forms (U. S. Standard Form 33, Revised) in accordance with the sample furnished by the State committee, using the date and time for soliciting and opening of bids in the county office as stipulated by the State committee.
- (2) The county chairman or acting chairman shall enter his name and title.
- (3) At the time of sending out invitations to bid, the county committee will immediately send two copies of the bid they prepared for that county to the State office. They will be checked by the State office to determine if properly prepared.

4. Receipt of Bids.

A. Bids will be received in the office of the county association and held unopened under lock until the date and time of opening, as stated in the advertisement. Any bids received and opened through error prior to the time of opening will be immediately resealed by the person opening same and the envelope signed to show who opened it, and such person shall be held responsible that the contents thereof are not divulged.

B. Public Opening and Recording of Bids.

- (1) At the time and date of opening, all bids received shall be opened publicly, read, and the prices bid recorded in a permanent record by the person named in the advertisement or his representative, at the place mentioned in the advertisement. Bidders or their representatives should be encouraged to be present at the opening.

C. Delayed Bids.

- (1) Bids presented by hand or received in the mail after the time of opening will be returned to the bidder unopened with a letter of explanation, except in the case where the delay was due to the mails and the post office cancellation mark, confirmed by the Postmaster, clearly indicates that the bid was mailed in proper time and manner to be received in the ordinary course of mails before the time fixed for the opening of bids. In this event the bid may be opened, considered, clearly marked to show the time of receipt, and forwarded, together with its envelope, to the State office along with other bids.
- (2) Bids delayed due to failure of bidder to affix sufficient postage to the envelope may not be considered.

D. Corrections in Bids Before Opening.

- (1) Corrections on bids which were made by the bidder prior to opening must be initialed by the bidder or must be verified by a statement signed by the bidder, if such bid is to be recommended for acceptance. When this statement is necessary, it must be attached to the original bid. Corrections not initialed on bids which are not to be recommended for acceptance must be noted by a statement made and signed by the county committee. This statement must be attached to such bid for future reference. If at a later date such bid is to be accepted, it will be necessary to have the changes initialed by the bidder or a statement obtained from him verifying such change and attached to the original bid when recommended for acceptance.
- (2) Bids can be corrected, amended, or withdrawn by telegraph or letter before the time set for the opening of bids. In such cases, the telegram or letter should be held and considered together with the bid at the time of opening.

E. Telegraphic Bids.

- (1) Complete telegraphic bids will not be considered.

- (2) Telephone or oral bids, or a bid submitted by letter and not on the regular bid invitation form, U. S. Standard Form 33, Revised, will not be considered.

F. Corrections in Bids After Opening.

- (1) NO CORRECTIONS OR MODIFICATIONS IN BIDS WILL BE PERMITTED AFTER THE TIME OF OPENING.

- (2) Where the price bid is obviously in error, the county committee should verify the price bid by securing a written statement from the bidder which should be attached to the bid when forwarded to the State committee.

G. Examining Bids.

- (1) The county committee will examine all bids to see that they are properly executed, that no modifications have been made in the terms of the invitation, and are signed by the bidders or their authorized representatives, and that Form MCR-566, "Operating Equipment and Source of Supply Statement," is attached and has been completely executed. If the conditions of the Walsh-Healey Act were made a part of the bid invitation, determine that the certification on page 7 has been completed by the bidder.
 - a. In the event an agent signs for a principal, the principal must be disclosed in the signature, and the county committee must be satisfied that the agent has authority to act in the capacity shown.
 - b. Bids as to which the identity of the bidder cannot be determined will not be considered by the State committee.
 - c. If a discount is offered, compute the net price and indicate it on the bid abstract.

H. Abstracting Bids.

- (1) The county committee will prepare an abstract of all bids received on Form MCR-567, "Bid Abstract and County Committee Recommendations."

5. Recommendations and Making Awards.

A. As soon as possible after the bids have been opened and abstracted, recommendations for awards should be made to the State committee by completing Form MCR-567, "Bid Abstract and County Committee Recommendations," in triplicate. The county committee should keep a copy of the abstract in its files at all times in order to answer questions of bidders.

B. Ability of Recommended Bidder to Comply.

- (1) The county committee should investigate the statements made by the bidder on Form WCR-566, "Operating Equipment and Source of Supply Statement," and attach a statement indicating that a personal investigation disclosed such equipment available and express their belief as to the general capacity of the bidder to comply with his offer.

C. Exceptions to Recommending Low Bidder.

- (1) The low bidder has to be recommended except in the following cases:
 - a. If a bidder specifies a group of townships or the entire county, and it is clearly to the advantage of the Government to accept such bid, in that the aggregate cost for the area specified is less than the cost would be if separate awards were made for individual townships, the bid may be recommended.
 - b. If it is the definite conviction of the county committee that the bidder will not comply with the terms of his offer, it will be necessary to furnish information regarding the bidder's financial status, his equipment, and other reasons why the county committee believes he will not be able to secure material and deliver it. Caution must be exercised to state facts rather than conclusions.
 - c. With reference to quarry or rail siding bids, while more than one may be accepted within a township at varying prices, in no event should the committee recommend prices higher than the prevailing commercial prices, nor higher than a farmyard delivery price for that township.

D. Tie Bids.

- (1) The county committee should determine whether any factor exists that would result in an advantage to the Government and form a basis for preferring one bidder over another. An example of this would be difference in quality of material, or the fact that one bidder is offering sufficient material to meet the entire needs of the county and other bidder is offering an amount of material that will only partially meet the needs of the county.
- (2) It is possible to recommend the acceptance of two bidders who are tied. This would be desirable if neither bidder has offered enough material to meet the probable needs of the county.

- (3) The receipt of a number of tie bids indicates possible collusion among bidders. In this event, the county committee should investigate such bids and furnish the State office with a statement covering the results of this investigation and their opinion as to whether collusion actually existed.

E. Secondary Sources of Supply.

- (1) In case it is believed that the quantity of material offered by the low bidder is insufficient to meet the needs of the area covered by the bid, and the price offered by the next low bidder is relatively in line with the usual commercial prices of the material in the area, the county committee should recommend that an award be made to the second low bidder as a secondary source of supply. Secondary sources of supply may be used only after the primary source is exhausted. In addition if the primary source will provide additional material, his agreement should be increased rather than purchasing from the secondary source.
- (2) It is not desirable to recommend an award to a secondary source of supply unless it is felt that it will be necessary to order material from a secondary source. When an award is made, the contractor logically expects to receive some business, which fact should be considered before the county committee recommends a secondary source of supply.

F. Forwarding Bids to the State Office.

- (1) The county will forward the following forms to the State office:
 - a. All bids received, together with their related Forms NCR-566, "Operating Equipment and Source of Supply Statement," and the "Special Conditions Applicable to all Proposals for Materials, Supplies, Articles, or Equipment in any Amount Exceeding \$10,000. (Walsh-Healey Act)" if applicable.
 - b. The envelopes in which the bids were sent.
 - c. Two copies of the bid abstract and county committee recommendations, Form NCR-567, "Bid Abstract and County Committee Recommendations."
 - d. All county office correspondence to and from bidders and any additional information or material incidental to the bids.

G. Award by Contracting Officer.

- (1) Actual award of the agreement will be made by a member of the State committee who has been designated as contracting officer.

H. Notification to Contractor.

- (1) The State office will make notification directly to the contractor and will provide him with the necessary instructions for the acceptance and handling of orders and preparation of his claim for payment. (See sample letter attached.)

I. Placing Orders.

- (1) Orders may not be placed with the contractor for other than rail shipments prior to receipt of the notice of award from the State office.
- (2) For rail shipments, orders should not be made until Form MCR-530a "Availability and Cost Schedule of Liming Material for Rail Shipments" is received from the State office.

6. Readvertising.

A. At no time should the county readvertise for bids without obtaining authority from the State office.

B. In the following types of cases it may be necessary for the county to request authority from the State office to readvertise:

(1) Rejecting all Bids.

- a. Where the county committee has recommended the rejection of all bids received under the prior advertisement.

(2) Insufficient Supply.

- a. Where the amount of material offered by the accepted contractor under the prior advertisement is insufficient to meet the probable demands of the county, and the price offered by the second low bidder does not warrant recommending his bid as a secondary source of supply.

(3) Original Supply Exhausted.

- a. Where the amount offered by the accepted contractor has been exhausted and sufficient additional material cannot be secured through increase of his contract or ordering from a secondary source of supply.

(4) Agreement Terminated Before Completion.

- a. Where the agreement has been terminated for any of the reasons indicated in Section 7 of Part IV of this procedure.

7. Terminating Agreements.

A. The agreement represents a continuing offer by the contractor to furnish material meeting the specifications and conditions as stipulated in the bid invitation at the prices contained in the contractor's offer. A binding contract comes into effect whenever orders are placed by the

Government with the contractor. The contractor will be held liable for failure to deliver material represented by such orders.

B. Right of Either Party to Terminate Agreement.

- (1) The contractor may terminate his offer at any time upon written notice to the Government.
 - a. After giving such written notice to the Government, he is not required to accept any additional orders; however, he must furnish an explanation why cancellation is desired. This statement is necessary as it will be used as a basis to determine if such contractors should be solicited for future business. If cancellation is requested for unjustifiable business reasons, future invitations should not be sent to such contractors. If such contractors request an invitation and bids, then such bid should not be recommended for acceptance.
- (2) The Government may at any time terminate the award made to the contractor. The Government will terminate the award for the following reasons:
 - a. Where material is delivered that does not meet the specifications as stipulated in the bid invitation. Local conditions may make it necessary to accept material slightly below specifications; however, the State office shall decide all such cases.
 - b. Where orders have been placed with the contractor and have not been delivered on schedule or otherwise not in accordance with his offer.
 - c. Where a contractor requests that the Government recognize an assignment of his agreement. (See Section 10 of Part IV)
 - d. Due to the contractor's failure to meet prevailing commercial prices.
 - (a) If at any time during the period of the agreement lower prices are quoted to the county committee by a responsible contractor other than one originally solicited, and the county committee believes a lower price can be obtained, such price quotation must be immediately quoted to the State office. Under these circumstances, the contractor who has received the award should be given an opportunity to reduce his price to meet the new available price. If he does not do so, the State committee may elect to terminate the agreement and instruct the county committee to readvertise for new bids.

- (b) If at any time during the period of agreement there is a general commercial reduction in price and the contractor will not meet the reduced prices.

8. Increasing Amount of Material to be Delivered under the Agreement.

A. Instructions to bidders covering the bid invitation provide that the amount of material offered by the bidder may be increased by mutual consent of the contractor and the contracting officer when the contractor agrees to provide more material at the same price or a lower price, and the county committee determines that this is the best price that can be currently obtained. If an increase in the amount of the agreement is desired the county committee should forward the State committee the following:

- (1) A memorandum giving the additional amount needed and stating that the price offered is the best price that can be currently obtained.
- (2) Attach to the above memorandum a statement from the contractor setting out:
 - a. That he agrees to deliver material meeting the specifications provided in the original agreement at the same or a lower price. (Giving the price.)
 - b. The amount he agrees to furnish.
- (3) If it appears that it might be possible to secure a better price through readvertising, the county committee should request authority from the State committee to readvertise.

B. The Walsh-Healey Act applies to all contracts where the amount of the contract may exceed \$10,000. In the case of increasing an agreement where the increase may result in the value of the agreement being in excess of \$10,000, the Walsh-Healey Act will apply to the amount of increase and the undelivered portion of the original agreement at the time of increase. It is necessary that the contractor sign a statement agreeing to comply with the provisions of the Walsh-Healey Act and also certifying that he is a regular dealer or manufacturer as defined in the Walsh-Healey regulation. If the contractor will not agree to comply with the provisions of the Walsh-Healey Act, it will be necessary to limit the increase in the agreement so that the total amount of the agreement will not exceed \$10,000.

9. Treating Offers to Decrease Price after Award.

A. After an award has been made, the contractor may offer to decrease his contract for a temporary period or for the duration of the contract, and the Government has the right to accept his offer since it is obviously to the advantage of the Government. If a temporary decrease is offered, the contract may later be increased up to but not to exceed the price contained in the original award, provided the language used does not preclude a later increase of price. An example of an offer for a temporary

decrease in price is the statement, "Until further notice my price should be decreased \$0.25 per ton." If the contractor furnishes a statement which does not limit the reduction to a temporary period, such as "From now on until the end of my contract, my price should be reduced \$0.25 a ton," then under no circumstances could it be increased to the original price. In all cases, offers to decrease prices should be in writing and signed by the contractor and transmitted immediately to the State office. The same procedure must be followed in connection with subsequent increases in price. County office records should be changed at the time the decreases or increases are properly approved by the State office.

10. Assignment of Agreements.

A. If a contractor desires to transfer the interests of his contract to another person, he should be advised that such procedure is impossible. In the event such transfer has been made, the State office should be advised immediately in order that the contract may be terminated.

11. Walsh-Healey Act.

A. A copy of the regulations prescribed by the Secretary of Labor pursuant to Public Act No. 846 (Walsh-Healey) which applies to all proposals for material which may exceed \$10,000 is attached to the procedure. It is suggested that county committees become sufficiently familiar with the general provisions of this Act to prepare them to answer questions regarding it by the bidders.

B. In regard to the determination of the prevailing minimum wage for a particular industry, you are advised that the Department of Labor has released the following information:

- (1) "Until a determination of the prevailing minimum wage for a particular industry or group of industries has been made by the Secretary of Labor prior to the invitation for bids, the stipulation with respect to wages in section 1(b) of the Act will be inoperative, as provided in article 1(b) of the Regulations. Determinations of prevailing minimum wages or changes therein will be published.
- (2) The Secretary of Labor in the case of the limestone industry has made no determination to date concerning minimum wages, and any determination which will be made in the future will not be retroactive so as to affect invitations existing at the time of the order. In the event a prevailing minimum wage is established, you will be notified.

C. Any awards in excess of \$10,000 will be reported to the Department of Labor by the Washington office, and the Department of Labor will issue appropriate notices, information, and instructions to the contractor.

12. Eight-Hour Law.

A. The Eight-Hour Law applied only to spread bids and only to the time the employee of the bidder is engaged in actually spreading the limestone on the field. The wording printed on the reverse side of Standard Form 33, which has been used in the past, is obsolete, since it specifies that only eight hours work may be performed on a Government contract. This law has recently been changed, and the new forms are printed to the effect that no more than eight hours work can be performed on a Government contract unless the employee is reimbursed at not less than one and one-half times the basic rate of pay. The contractor, under the provisions of the Eight-Hour Law, could employ a person for eight hours work spreading lime on the contract with the Government and could also employ the same employee for additional time on the work of a private contract.

13. Record Forms to be Maintained in County Office.

A. The following forms will be maintained in the county office:

- (1) NCR-560 - County Limestone Supply Record. Copy of this form is attached. The form will provide a means of keeping a record of individual orders and the balance of material remaining under the agreement and will enable the county to know when it will be necessary to request an increase in the amount or authority to readvertise.
- (2) NCR-561 - County Limestone Progress Record. Copy of this form is attached. The form will provide a progress record of each order.
- (3) NCR-562 - County Record of Carlot Shipments. Copy of this form is attached. The form will provide a progress record of orders for carlot shipments.

PART V. ORDERING MATERIAL FOR DELIVERY OTHER THAN BY RAIL.

The following forms will be used by the county office and the contractor in connection with other than carlot shipments: Form ACP-64, Request for Conservation Material; NCR-463, Delivery Receipt for other than Rail Shipments; NCR-464, Contractor's Delivery Summary.

1. ACP-64, Request for Conservation Material, should be prepared as follows:

A. Enter in the spaces provided in the upper right corner the names and code numbers of the State and county and the farm number.

B. Enter to the right of Form ACP-64-NC-WR the contract number under which the liming material will be supplied. Leave blank the space following "Aaa." Enter the program year.

C. Fill in the name of the applicant, post office and rural route address, county, State, description of the material, type of delivery, the quantity requested, the approximate unit cost, and the approximate total cost. Be sure the rural address is fully described. Enter in the block headed "Material" below the description of the material the date the producer desires to receive the material.

D. The applicant should sign in the space provided and indicate the date of signing.

E. Enter the approximate amount of the payment which will be earned by the producer under the 1941 Conservation Materials Program. The form should be signed and dated by a member of the county committee.

F. The blue copy will be forwarded to the contractor except where the producer desires to go to the quarry for the liming material, in which case he should be given the blue copy for delivery to the contractor. The original and yellow copy should be held in the county office until the Form NCR-464, Contractor's Delivery Summary, accompanied by the supporting Form NCR-463, Delivery Receipt, is received.

G. If a producer is delivered a smaller quantity than the amount requested on Form ACP-64, correct it to show the actual quantity and value of the liming material delivered. If the amount delivered is larger than the amount ordered, correct the contractor's delivery summary and notify him that he will have to collect the difference directly from the producer.

H. After checking the NCR-464 and NCR-463 against Forms ACP-64, the original Form ACP-64, together with NCR-464 and the original NCR-463, should be forwarded to the State office.

I. File the yellow copy of ACP-64 in the register of indebtedness file in the county office which contains Forms RF-12.

2. Form NCR-463, Delivery Receipt (Other than Rail Shipments):

A. Form NCR-463 will be filled out in triplicate by the contractor, and the farmer or his authorized agent will sign in the lower right corner.

B. The originals will be attached to the contractor's delivery summaries, NCR-464, and be forwarded to the county office at periodic intervals. The first copy of Form NCR-463 will be given to the producer and the last copy will be retained by the contractor.

3. NCR-464, Contractor's Delivery Summary:

A. Four copies of this form are filled out by the contractor.

B. The original and two copies will be forwarded to the county association and one copy will be retained by the contractor.

C. When received in the county office, Forms NCR-463 and NCR-464 shall be checked against Forms ACP-64 to determine that deliveries have been made in accordance with the approved requests. If Form NCR-464 shows deliveries in excess of the amount ordered on the related ACP-64, Form NCR-464 shall be corrected accordingly and the contractor notified that he will have to collect from the producer the difference in cost. Such corrections on the NCR-464 shall be initialed by the contractor before this form is submitted to the State office. In cases where the amount delivered was less than the amount ordered, the Form ACP-64 shall be reduced to the amount delivered.

D. After thoroughly checking Forms NCR-464 against Forms ACP-64 and NCR-463, the original and one copy shall be forwarded to the State office accompanied by the original supporting delivery receipt Forms NCR-463 and the original Forms ACP-64. One copy shall be retained for the county association file.

PART VI. ORDERING MATERIAL FOR DELIVERY BY RAIL.

The following forms will be used in connection with obtaining liming materials by rail: Form ACP-64, Request for Conservation Material; "Advance" Form ACP-65, Summary of Requests; Form ACP-66, Request for Shipment; Form ACP-67, Receiving and Inspection Report; "Final" Form ACP-65, Summary of Requests; Form ACP-88 or ACP-88, Revised, Oath of Office and Service Obligation.

1. ACP-64, Producer's Request for Material:

A. This form will be prepared in the manner described on page 19 except that the Aaa number appearing on the related ACP-66 will appear in the upper right corner in the space provided therefor.

B. All copies of Form ACP-64 will be delivered to the consignee, who will obtain the signatures of the producers in Section III when the liming material is delivered to them at the railroad siding.

C. The original ACP-64 will be mailed to the State office together with the "Final" Form ACP-65 and ACP-67. The yellow copy will be filed in the county office and the blue copy will be given to the producer.

2. "Advance" Form ACP-65, Summary of Requests.

A. This form will be prepared in duplicate by the county office when sufficient Forms ACP-64 have been received to constitute a minimum carload.

B. Above the title "Summary of Request" enter in parenthesis the word "Advance."

C. In the spaces indicated, enter the name and code number of the State and county, the Aaa request number appearing on Form ACP-66, the name of the material (i.e., ground limestone, marl), the date of delivery desired, name of person designated as consignee, address, and actual point of delivery, which will be the location of the railroad siding where distribution will be made to the producers.

D. The name of the railroad or carrier will be entered by the State office.

E. The table concerning serial number, name, and address of producer should be completed. The serial number will be the corresponding township and farm number appearing on the related Form ACP-64. Units will always be tons or cubic yards, and the quantity will be expressed in tons or cubic yards.

F. A member of the county committee should approve the Form. Disregard space for signature of "Secretary, County Agricultural Conservation Association."

G. Distribution shall be as follows: (1) send the original to the State office accompanied by the related set of Forms ACP-66; (2) retain the copy in the county office.

3. A complete set of Form ACP-66 will be prepared by the county office as follows:

A. Enter the date delivery is desired, name and code numbers of State and county. "North Central" preceding the word "Division." Strike out "Department of Agriculture, Washington, D. C." Enter the name of the county following "consigned to" and preceding "County Agricultural Conservation Association." Enter the name of the consignee, his post office address, and the actual point of delivery. The railroad or carrier will be filled in by the State office. Enter a complete description of the material ordered, together with the number of tons or cubic yards included in the shipment. The unit column will always be filled in with the word "tons" or "cubic yards."

B. This form is only signed in the State office and does not need the signature of the county committeeman.

C. Distribution. All copies will be mailed with the "Advance" Form ACP-65 to the State office.

D. The State office will (1) complete "Advance" Form ACP-65 by entering the name of the rail carrier after it has been determined where the cheapest source of supply is located; (2) complete Form ACP-66 by signing it and entering the name of the rail carrier and the name of the quarry; (3) a copy of approved Form ACP-66 will be returned to the county office.

4. Bills of Lading:

A. The State office will prepare a set of Government bills of lading and forward them to the contractor with the original Form ACP-66.

B. The contractor will handle the bills of lading by entering the number of pounds actually shipped in the column headed "Weights," the size car ordered, size car furnished, date furnished, initials, car number, name of transportation company, and date loaded; obtain signature of the freight agent and leave all other spaces blank; deliver the salmon copy of the bills of lading to the rail carrier, forward the original and one copy of the bills of lading to the consignee, retain one copy for his files, and forward the two remaining yellow copies to the State office.

5. Duties of Consignee.

A. Bills of Lading. The consignee will retain the original and one copy of the bills of lading pending receipt of shipment. When the liming material arrives, consignee will check all car seals, if any, the condition of the material, and in case of damaged material or shortage, he will have the agent for the carrier sign both the original and one copy of the bills of lading, listing the damage or quantity missing. The original bills of lading will be released by the consignee to the last carrier. The yellow copy should be returned to the county office for filing.

B. ACP-67, Receiving and Inspection Report.

- (1) Upon arrival of the liming material the consignee will notify all producers who have requested material.
- (2) Acknowledge receipt of the liming material by preparing a receiving and inspection report, Form ACP-67.
- (3) Enter in the spaces provided the names and code numbers of the State and county, the "Request for Shipment," "Aaa" number, the date received, quantity received (expressed in tons or cubic yards), name of the material, name of the manufacturer, actual point of delivery, name of the railroad, indicate zone if farmyard delivery, check where material was received, check how material was delivered, car initials, car number, check type of car, railroad waybill number with its date, the delivery agent's freight bill number with its date, indicate by check if sample was or was not taken, sign and date report.

- (4) In the event of Loss, Damage, or Shortage, the back of this form must be completed.
- (5) Have form notarized in the proper place.
- (6) Distribution. The original and two copies will be transmitted to the State office, and the last copy will be filed in the county office.

C. Supervising Distribution of Liming Material by Consignee.

- (1) The consignee will supervise the distribution of liming material to see that each producer receives the amount requested on Form ACP-64 and shown on "Advance" Form ACP-65. Consignee will arrange for the use of a scale if possible for weighing the material. Where scales are not available, the division of the liming material among the producers may be handled in any manner satisfactory to all interested parties.

D. Completion of ACP-64, Section III, Receipt.

- (1) The consignee will obtain a receipt from the producers in Section III of ACP-64. It is necessary that all information indicated on the form be supplied.
- (2) Distribution. The original white copy will be mailed to the State office accompanied by "Final" Form ACP-65, the yellow copy will be filed in the county office, and the producer will be given a blue copy at the time of delivery.

E. "Final" Form ACP-65.

- (1) The consignee will prepare a "Final" Form ACP-65 in triplicate, in the same manner as "Advance" Form ACP-65, as outlined on page 21.
- (2) Distribution. The original and one copy will be mailed to the State office accompanied by properly receipted white copies of supporting Forms ACP-64. The last copy will be filed in the county office.

6. ACP-88 or ACP-88, Revised, Oath of Office:

- A. The person designated by the county committee as consignee must have executed an ACP-88 or ACP-88, Revised, in order to be eligible to act in this capacity.

VII. INSTRUCTIONS FOR OBTAINING AND HANDLING SAMPLES.

1. Carlot Shipments:

A. It is unnecessary to sample each carload of liming material that is supplied. However, it is suggested that the original shipment from each source of supply be sampled and that additional samples be taken as often as the county committee deems it necessary to insure the producers of obtaining material meeting specifications of the contract. At least a quart of material is necessary for proper analysis. Samples should be forwarded to the State office. (Proper identification would include car number, Aaa shipping request number, name and address of shipper, and date of shipment.)

2. Other than Carlot Shipments:

A. A representative of the county committee will obtain samples of liming material at the quarry or contractor's shipping point during the period when requests for material are being filled by the contractor. Samples will only be obtained by the county committee as often as are deemed necessary by them to insure that the material being delivered meets contract specifications. Samples taken at the quarry or contractor's shipping point should be identified by giving the date of the sample, contractor's name, and the address of the quarry or shipping point where the sample was taken. Any producer who receives liming material may obtain analysis of the material furnished him if he will provide the county committee with a sample.

VIII. PAYMENT OF CONTRACTOR FOR LIMING MATERIAL FURNISHED.

Vouchers for payment will be prepared in the State office from contractor's delivery summaries for other than rail shipment. Vouchers for rail shipments will be prepared immediately upon receipt of Form ACP-67, Receiving and Inspection Report, from information contained on "Final" Forms ACP-65 and Forms ACP-66.

IX. TABLES OF FORMS, BY WHOM PREPARED, AND DISTRIBUTION.

1. Distribution of forms for carlot shipments:

A. The following table indicates who will prepare and sign the various forms, the number of copies to be prepared, and the distribution to be made thereof, for shipments handled by bills of lading.

FORM	TITLE	PREPARED BY	SIGNED BY	NO. OF COPIES	DISTRIBUTION
NCR-530a	Availability and cost schedule of liming material for rail shipments.	State	State	3	Original to county; 2 copies retained by State.
ACP-64	Request for material	Producer and county	Producer and member of county committee	3	All copies held by consignee till Section III is completed by producer. Original to State office; yellow copy retained by county; blue copy to producer.
"Advance" ACP-65	"Advance" Summary of Request	County	County Committee and consignee	2	Original to State office; copy filed in county.
ACP-66	Request for shipment	County	State	4	All copies to State office with "advance" ACP-65. One returned to county; original to contractor; State retains two copies.
ACP-67	Receiving and inspection report	Consignee	Consignee	4	Original and 2 copies to State office; copy for county file.
"Final" ACP-65	"Final" Summary of Request	County	Consignee	3	Original and one copy to State office; copy for county file.
NCR-560	County Limestone Supply Record	County	- -	1	Remains in county.
NCR-561	County Limestone Progress Record	County	- -	1	Remains in county.
NCR-562	County Record of Carlot Shipment	County	- -	1	Remains in county.

2. Distribution of forms for other than carlot shipments:

A. The following table indicates who will prepare and sign the various forms, the number of copies to be prepared, and the distribution to be made thereof, for shipments not handled by bills of lading:

FORM	TITLE	PREPARED BY	SIGNED BY	NO. OF COPIES	DISTRIBUTION
ACP-64	Request for material	County	Producer and member of County Committee	3	Original copy to State office with NCR-463 and NCR-464. Yellow copy retained in county file. Blue copy to contractor.
NCR-560	County Limestone Supply Record	County	- -	1	Remains in County.
NCR-561	County Limestone Progress Record	County	- -	1	Remains in County.
NCR-463	Delivery Receipt	Contractor	Producer or agent	3	Original to county to be forwarded to State office with original ACP-64 and original NCR-464. First copy to producer; second copy retained by contractor.
NCR-464	Contractor's Delivery Summary	Contractor	Producer or agent	4	Original and two copies forwarded to county. County forwards original and one copy to State office with forms ACP-64 and NCR-463; copy retained by county; copy retained by contractor.

17

State

County _____

② 1998年12月31日以前，在《公司法》施行前，已经依法登记注册，且符合《公司法》规定的条件的有限责任公司，可以依照《公司法》的规定，申请变更为股份有限公司。

UNDER THE 19 CONSERVATION MATERIALS PROGRAM

Unit price on carlot shipments. Note: The prices quoted below are void after the _____ day of _____ 19____.

Kind of Material _____

[illegible]

The price per ton of liming material to producers will vary from the above schedule when delivery is made to other unloading points within the county, due to the variance of freight rates.

State Chairman, _____

Agricultural Conservation Committee.

Date: _____ 19__.

Contract No. _____ Contractor _____
Quarry Location _____ Business Address _____

[illegible]

Form No. NCR-565 (Sample)

Request for Authority to Solicit Bids
To Establish Sources of Supply of Liming Materials

_____ County

1. Area desired (List townships or write entire county):

(1) _____	(7) _____	(13) _____	(19) _____
(2) _____	(8) _____	(14) _____	(20) _____
(3) _____	(9) _____	(15) _____	(21) _____
(4) _____	(10) _____	(16) _____	(22) _____
(5) _____	(11) _____	(17) _____	(23) _____
(6) _____	(12) _____	(18) _____	(24) _____

2. Check type of price desired:

Township Basis _____ County Basis _____

3. Check type of material desired:

Limestone _____ Marl _____ Paper Mill Refuse Lime _____

4. Check type of delivery desired:

Quarry F.o.b.Rail _____ Quarry F.o.b.Truck _____ F.o.b.Unloading Station _____

Delivered to Farm _____ Spread on Fields _____

5. Estimated prevailing commercial prices for county (county average):

Quarry F.o.b.Rail \$ _____ Quarry F.o.b.Truck \$ _____ F.o.b.Unloading Station \$ _____

Delivered to Farm \$ _____ Spread on Fields \$ _____

6. Estimated amount of material to be used through December 31, 1941 _____

7. List below regular dealers or manufacturers to be solicited: (Tons or Yards)

(1) _____	(9) _____
(2) _____	(10) _____
(3) _____	(11) _____
(4) _____	(12) _____
(5) _____	(13) _____
(6) _____	(14) _____
(7) _____	(15) _____
(8) _____	(16) _____

8. Date to be solicited _____, 194__.

9. Date and time to be opened _____, 194__, at _____ M.

Approved:

Chairman, _____ State
Agricultural Conservation Committee.

(Date)

Chairman, _____ County
Agricultural Conservation Committee.

(Date)

Form No. MCR. 566 (Sample)

OPERATING EQUIPMENT AND SOURCE OF SUPPLY STATEMENT

1. If manufacturer give plant location _____
(Address)
2. If not manufacturer, give name and location of source of supply.

(Name) _____ (Address) _____
3. Give siding locations _____ (Address) _____

(Address) _____ (Address) _____
4. Type of Mill - Roller or Hammer _____
5. Production capacity per hour (Handling material 90 percent of which will pass through an 8-mesh sieve.)* _____ (Tons)
6. Is the quarry equipment portable? _____ (Yes or No)
7. Is the quarry served by a railroad siding? _____ (Yes or No)
If so, give name of railroad _____
8. Is the quarry accessible to trucks? _____ (Yes or No)
9. Describe loading facilities at quarry, giving capacity per hour and type of equipment _____

10. Give unloading facilities at any unloading point other than the quarry, giving the capacity per hour and type of equipment _____

- a. Indicate whether the equipment is for unloading freight cars or trucks: _____
11. Delivery facilities - Number of trucks owned by the bidder to be used in carrying out the agreement _____
a. Number of trucks rented, etc., to carry out the agreement _____
b. Explain fully arrangements for contracted or rented trucks _____

12. Spreading equipment - give the type and number of the different pieces of equipment _____

I certify the facts stated above are true according to my best knowledge and belief.

(Signed) _____ (Bidder)

*Estimate based on actual experience of bidder.

Signature should be the same as that appearing on the bid. This form must be attached and made a part of all bids submitted.

(County)

(State)

Date of Solicitation _____, 194__ . Date of Opening (Month) (Day), 194__.

Estimated amount and kind of material needed through December 31, 1941:

(Tons or Yards)

(Type of Material)

List below names of all bidders solicited and check bidders responding.

Bidder's No.	Name	check	Bidder's No.	Name	Check
1		()	7		()
2		()	8		()
3		()	9		()
4		()	10		()
5		()	11		()
6		()	12		()

Show below all Prices Offered (Less Discount):

Townships

DELIVERED TO FARM

[illegible]

Form No. NCR-567 (Sample)
page 2

Townships

SPREAD ON FIELDS

	Bidders											
	No. _	No. _	No. _	No. _	No. _	No. _	No. _	No. _	No. _	No. _	No. _	No. _
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												
16												
17												
18												
19												
20												
21												
22												
23												
24												
25												
26												

Bidder's No.	Quarry, F.o.b. Rail	Quarry, F.o.b. Truck	F.o.b. Unloading Station

(Date) _____

Chairman, _____ County Agricultural
Conservation Committee.

Note: Indicate bid recommended by encircling that figure. If recommendation is made for other than the low bid, a detailed explanation must be attached explaining the rejection of low bid. If additional space is needed, use an additional sheet and attach.

NCR-568 (Sample)

INSTRUCTIONS TO BIDDERS AND GENERAL CONDITIONS
CONCERNING CONSERVATION MATERIALS PROGRAM

I. NATURE OF PROGRAM AND GENERAL PLAN

The Secretary of Agriculture, through county and State Agricultural Conservation Committees, desires to establish sources of supply of liming material so that farmers cooperating in the agricultural conservation program can obtain the material for use on their farms in carrying out approved soil-building practices. Material so obtained is made available to farmers in lieu of their agricultural conservation program payments. Under the supervision of the State Committee, county committees will solicit bids for liming materials and make their recommendations for acceptance to the State Committee. The State Committee will make awards and authorize the county committee to take orders for material from farmers, approve and place such orders with successful bidders for delivery of the material. Payment for delivered material will be made directly to the contractor by the United States Government. Complete details concerning acceptance of orders, deliveries, and submission of invoices will be furnished successful bidders at the time of notification of award.

II. TYPE OF AGREEMENT ENTERED INTO WITH CONTRACTOR

It is not possible to adequately determine the amount of liming material that farmers will order in a particular locality, which makes it inadvisable for the Government to enter into a contract. Therefore, the agreement to be entered into represents a continuing offer by the contractor to furnish material at the price indicated in his bid in accordance with the terms of his offer. However, the agreement becomes a binding contract when orders are placed with the contractor, making him liable for failure to deliver the amount ordered.

A. Right of Either Party to Terminate Agreement.

1. The contractor may terminate his offer at any time upon written notice to the Government.
 - a. After giving such written notice to the Government, he is not required to accept any additional orders.
2. The Government may at any time terminate the award made to the contractor. For example, the Government will terminate the award for the following reasons:
 - a. Material is delivered not meeting bid specifications.
 - b. Deliveries are not made as offered in bid.
 - c. Bidder requests assignment of his agreement.
 - d. Contractor fails to meet a lower price offered by a responsible contractor, provided such lower price is quoted by a contractor who was not originally offered an invitation to bid.

III. INCREASING AMOUNT OF AGREEMENT

The amount offered in the agreement may be increased by mutual consent of the contractor and the contracting officer.

IV. APPLICATION OF WALSH-HEALEY ACT

The provisions of the Walsh-Healey Act (copy attached) will apply to any agreement which may exceed \$10,000. If the contractor offers an amount of material which may exceed \$10,000, he must agree, in his offer, to comply with the Act. If he does not agree, any award made will be limited to \$10,000.

V. APPLICATION OF EIGHT-HOUR LAW - See Reverse Side of Bid Invitation Form.

The Eight-Hour Law applies only to spread bids and only to the time the employee of the contractor is actually spreading the liming material on the fields.

VI. PERSONS EXCLUDED FROM BIDDING

The following persons may not have any interest in a Government contract for liming materials: Agricultural conservation community committeemen, county committeemen, and agricultural conservation county office employees, State agricultural conservation committeemen, and agricultural conservation State office employees, any other Federal employees, and any member of or delegate to Congress, or Resident Commissioner.

VII. INTERPRETATION OF CONDITIONS SPECIFIED ON REVERSE SIDE OF U.S. STAND. FORM 33

Items 3 and 4 shall be construed to apply only to orders for delivery placed with a contractor.

VIII. TELEGRAPHIC BIDS

Telegraphic bids will not be considered. Modification of bids by telegraph will be considered if received prior to the opening of bids.

IX. SPECIFICATIONS OF MATERIAL

Examples of two different kinds of material that would meet the minimum specifications as indicated in the bid invitation are as follows:

<u>Calcium Carbonate Equivalent</u>	<u>Percent of Material Passing Through an 8-Mesh Sieve</u>	<u>Percent</u>
80% multiplied by	90%	.7200
90% multiplied by	80%	.7200

However, in no instance may material be considered if the percent of calcium carbonate equivalent or the percent of the material that will pass through an 8-mesh sieve is less than 80 percent.

X. RIGHT OF BIDDER TO SPECIFY A GROUP OF TOWNSHIPS OR THE ENTIRE COUNTY.

The bidder may qualify his bid to specify receiving an award for a certain group of townships or the entire county. In this event, the Government will consider such bid on the basis of the lowest aggregate cost to the Government for the entire area so specified.

XI. MATERIAL OFFERED.

Bidders should offer prices on bulk liming materials only.

XII. QUARRY BID NOT RESTRICTED.

It is understood that any quarry bid accepted is available for shipment to any designated point.

XIII. CORRECTIONS ON BIDS.

Any changes made on the bid by the bidder prior to the time submitted to the county office should be initialed by him. Modification of a bid by letter or telegraph may be considered if received in the county office prior to the time specified to open bids.

XIV. BIDS NOT ACCEPTABLE.

Telephone bids or oral offers cannot be considered. A bid must be submitted on U. S. Standard Form 33 (Revised). Bids received after the time specified for opening will not be given consideration.

XV. PREPARATION OF U. S. STANDARD FORM 33 (REVISED).

1. Enter total amount offered for all types of delivery, through December 31, 1941.
2. Enter the amount of material offered for each month.
3. Enter the total amount offered for each type of delivery.
4. Enter the amount offered each month for each type of delivery.
Note. It is assumed that normally a bidder will not be concerned with the amount of material to be delivered by types of delivery, except due to limitations of delivery or spreading equipment. In order, however, for the county and State to have an indication of the amount that can be supplied by the different types of delivery, fill out the table according to the following example: Total amount of material offered-1,000 tons; total amount offered for each type of delivery - f.o.b. quarry rail, 1,000 tons; f.o.b. quarry truck, 1,000 tons; f.o.b. siding, 1,000 tons; farm delivery, 1,000 tons; spread on fields, 500 tons. It is assumed that the bidder can only deliver a total of 1,000 tons per month, that he has sufficient equipment to make deliveries of 1,000 tons by all methods except his spreading equipment, which is limited to a capacity of 500 tons per month.

5. Enter price f.o.b. quarry rail, f.o.b. quarry truck, f.o.b. railroad siding, under their respective headings.
6. Enter price delivered to farms (cost of material plus delivery charge).
7. Enter price spread on fields (cost of material, plus delivery charge, plus spread charge).
8. Indicate by entering "yes" or "no" if you will operate under the provisions of the Walsh-Healey Act if the total amount of the agreement may exceed \$10,000.
9. If bid is for less than the entire county, or on a township basis, show prices per township on continuation sheet.
10. Enter date of filling in the bid.
11. If there is a time limitation, indicate this by entering the number of days in which the contract must be accepted.
12. Enter the number of days in which deliveries can be made after receipt of orders.
13. Enter discount, if any, if paid within 20 or 30 days.
14. PRINT or TYPE name of bidder.
15. PRINT or TYPE complete address of bidder.
16. Person authorized to sign bid must affix his signature.
17. Enter the title of person authorized to sign.

XVI. TYPES OF DELIVERIES BEING SOLICITED.

In _____ county, the following checked types of delivery are being solicited (✓):

F.o.b. quarry rail	()
F.o.b. quarry truck	()
F.o.b. railroad siding	()
Farm delivery	()
Spread on Fields	()

XVII. CERTIFICATIONS.

See reverse side of bid invitation form for certifications that will be necessary on contractor's claim for payment.

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Adjustment Administration

Dear Sir:

We are enclosing a copy of your proposal to furnish liming material (which has been accepted) and samples of forms which it will be necessary for you to keep.

In cases of deliveries other than by rail, you are authorized to accept orders on Forms ACP-64, "Request for Conservation Materials Under the Agricultural Conservation Program," signed by persons whose names appear on the attached list. Forms ACP-64 will be either mailed to you by the county committee or brought to you by the farmer or someone representing him. However, delivery should not be made to anyone without a properly signed Form ACP-64, or it will be necessary for you to collect the cost of the material from the person to whom delivery is made instead of the United States Government.

Delivery receipt, Form NCR-463, must be completed in triplicate for each delivery. The signature of the farmer or his agent must be contained on all copies. You should keep the pink sheet marked "Contractor's copy," give the yellow copy marked "Applicant's copy," to the farmer or his agent.

When you send the county office Form NCR-464, "Contractor's Delivery Summary," explained below, you should attach the original Form NCR-463, "Delivery Receipt," covering all deliveries listed on the summary. An original and three copies of Form NCR-464, "Contractor's Delivery Summary," should be prepared on the first and fifteenth day of each month during the time deliveries are being made. Form NCR 464 should be prepared carefully as follows, since this form, together with the farmer's receipt, will be the basis upon which you will receive payment for the material.

Preparation of NCR-464.

1. A separate set of Forms NCR-464 has to be prepared for each county in which deliveries were made during the report period.
2. Prepare an original and three copies.

3. Insert the contract number and the name of the State and county in the spaces indicated.
4. List in Column one, "Township and Farm Number," the complete number appearing in the upper right corner of each Form ACP-64.
5. The name and address of the applicant should be shown in Column two as it appears on Form ACP-64.
6. Enter opposite each producer's name in Column 4 the date of delivery, in Columns 6, 8, and 10, the number of tons of material delivered to producers under each type of delivery made, and in Columns 7, 9, and 11, the total cost of each individual delivery.
7. Total Columns 6 to 11, inclusive.
8. You or your authorized agent should sign and date all copies of NCR-464 in the spaces provided.
9. Please write a letter to the Chairman of the county committees listed on the attached sheet and advise them of the name or names of persons who will sign this form for you.
10. Retain the blue copy, marked "Contractor's Copy," of this form and send the original and two copies to the county office named in the upper right corner of the form.

When the county receives properly prepared Forms NCR-464, accompanied by the "Delivery Receipts," they will immediately check them and, if correct, send them to this office. This office will treat the delivery summary as an invoice, provided your signature appears below the following certification on the reverse side of the form:

"I certify that the above bill is correct and just; that payment therefor has not been received; and that except as otherwise noted all of the articles, materials, and supplies covered by this invoice, if unmanufactured articles, materials, and supplies, have been mined or produced in the United States, and, if manufactured articles, materials, and supplies, they have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States; and that State or local sales taxes are not included in the amounts billed."

This invoice, together with a Public Voucher, Standard Form 1034, will be forwarded to the Disbursing Office for issuance of your check.

In case of shipments by rail, Forms ACP-66, "Request for Shipment," will be forwarded to you by this office, properly signed by one of the persons whose names are shown on the attached sheet as authorized to approve Forms ACP-66. This will be your complete authorization to make the shipment. In the case of rail shipments, you will not receive Forms ACP-64 and will not use Forms NCR-463. Disregard that part of Form ACP-66 below the statement "For Use of Washington Office." Accompanying the Form ACP-66 will be an original and five copies of a partially completed Government Bill of Lading which should be completed by you as follows:

1. Enter the number of pounds actually shipped in the column headed "Weights."
2. Fill in the blanks:
 - (a) "Size car ordered."
 - (b) "Size car furnished."
 - (c) "Date furnished."
 - (d) "Initials."
 - (e) "Car number."
 - (f) "Name of transportation company."
 - (g) "Date." (Date loaded.)
3. Obtain the signature of the freight agent following the word "per" on the line marked (agent).
4. Leave all other spaces blank.

Deliver the salmon copy of the Bill of Lading to the railroad carrier and forward the original and one yellow copy to the consignee designated on Form ACP-66. One yellow copy may be retained for your files and the two remaining yellow copies should be forwarded to this office as soon as possible after the Bill of Lading is completed.

After shipment has been made, you will prepare a voucher form in triplicate in accordance with the attached sample and, after signing, forward the original and one copy to this office and retain a copy for your files.

In case of any question you can get in touch with us and we will be glad to help you.

Very truly yours,

Chairman, _____ State
Agricultural Conservation Committee.

Special Conditions Applicable to All Proposals For Materials,
Supplies, Articles, Or Equipment In Any Amount Exceeding \$10,000.

Special Conditions.--The attention of all prospective bidders is invited to Regulations No. 504 (Series A) prescribed by the Secretary of Labor under Public Act No. 846, Seventy-Fourth Congress, and to the fact that all stipulations under Article 1 of said Regulations are hereby made a part of the specifications upon which proposals are being requested. These Regulations in their entirety are quoted below in order that bidders may have complete information in the premises in advance of the submission of their proposals. These Regulations are as follows:

No. 504

U. S. DEPARTMENT OF LABOR
Office of the Secretary
Washington.

REGULATIONS

Prescribed by

THE SECRETARY OF LABOR

Under

PUBLIC ACT NO. 846, SEVENTY-FOURTH CONGRESS

(Series A)

By virtue of the Authority vested in the Secretary of Labor by section 4 of the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", (Act of June 30, 1936, Public No. 846, 74th Cong.) and in order to establish uniform procedure under said act, the following Regulations are hereby prescribed:

Part 1

CONTRACT STIPULATIONS

Article 1 (Insertion of Stipulations). Except as hereinafter directed in every contract made and entered into by an executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States, for the manufacture or furnishing of materials, supplies, articles, and equipment, with respect to which invitations for bids are issued on or after September 28, 1936, the contracting officer shall cause to be inserted in such invitation or the specifications and in such contract, the following stipulations:

Representations and stipulations pursuant to Public Act No. 846, Seventy-Fourth Congress:

(a) The contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract.

(b) All persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under the contract; Provided, however, That this stipulation with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been subject matter of a determination by the Secretary of Labor.

(c) No person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of 8 hours in any 1 day or in excess of 40 hours in any 1 week, unless such person is paid such applicable overtime rate as has been set by the Secretary of Labor.

(d) No male person under 16 years of age and no female person under 18 years of age and no convict labor will be employed by the contractor in the manufacture or furnishing of any of the materials, supplies, articles, or equipment included in the contract.

(e) No part of the contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are insanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsection.

(f) Any breach of violation of any of the foregoing representations and stipulations shall render the party responsible therefor liable to the United States of America for liquidated damages, in addition to damages for any other breach of the contract, in the sum of \$10 per day for each male person under 16 years of age or each female person under 18 years of age, or each convict laborer knowingly employed in the performance of the contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of the contract; and, in addition, the agency of the United States entering into the contract shall have the right to cancel same and to make open-market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Any sums of money due to the United States of America by reason of any violation of any of the representations and stipulations of the contract as set forth herein may be withheld from any amounts due on the contract or may be recovered in a suit brought in the name of the United States of America by the Attorney General thereof. All sums withheld or recovered as deductions, rebates, refunds, or underpayments of wages shall be held in a special deposit account and shall be paid, on order of the Secretary of Labor, directly to the employees who have been paid less than minimum rates of pay as set forth in such contracts, and on whose account such sums were withheld or recovered; Provided, That no claims by employees for such payment shall be entertained unless made within 1 year from the date of actual notice to the contractor of the withholding or recovery of such sums by the United States of America.

(g) The contractor shall post a copy of the stipulations in a prominent and readily accessible place at the site of the contract work and shall keep such employment records as are required in the Regulations under the act available for inspection by authorized representatives of the Secretary of Labor.

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(h) The foregoing stipulations shall be deemed inoperative if this contract is for a definite amount not in excess of \$10,000.

Art. 2. (Statutory Exemptions). Inclusion of the stipulations herein enumerated is not required in the following instances:

- (a) Where the contracting officer is authorized by statute or otherwise to purchase in the open market without advertising for proposals;
- (b) Where the contract relates to perishables, including dairy, livestock and nursery products; ("perishables" cover products subject to decay or spoilage and not products canned, salted, smoked, or otherwise preserved);
- (c) Where the contract relates to agricultural or farm products processed for first sale by the original producers;
- (d) Where the contract is by the Secretary of Agriculture for the purchase of agricultural commodities or the products thereof;
- (e) Where the contract is with a common carrier for carriage of freight or personnel by vessel, airplane, bus, truck, express, or railway line, where published tariff rates are in effect;
- (f) Where the contract is for the furnishing of service by radio, telephone, telegraph, or cable companies, subject to the Federal Communications Act of 1934.

PART II

ADMINISTRATIVE REGULATIONS

Art. 101 (Manufacturer or Regular Dealer). A bidder or contractor shall be deemed to be a "manufacturer" or "regular dealer" within the meaning of the stipulation required by section 1 (a) of the Act and articles 1 (a) of these Regulations if he falls within one of the following categories:

(a) A manufacturer is a person who owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

(b) A regular dealer is a person who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business.

(1) A regular dealer in lumber and timber products, if a wholesale lumber dealer, may be a person who owns, operates, or maintains a place of business in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business; provided that at least more than 50% of his business is such purchase and sale of such materials, supplies, articles, or equipment; and provided, further, that upon all orders to manufacturers for direct shipment to the United States he agrees to insert a notice to the manufacturer to the effect that the supplies are purchased for the United States and that the manufacturer is within the

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terms of Article 104 of these Regulations requiring compliance with the provisions of the "Public Contracts Act".

(2) A regular dealer in coal may be a person who owns, operates, or maintain a place of business in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to users or other trade outlets in the usual course of business in lots of not less than a cargo or railroad carload.

(3) A machine tool dealer may be a person possessing, through contract or agreement with a manufacturer, the responsibility for selling that manufacturer's products, with respect to a specific territory and who is authorized by such manufacturer to offer its products and to negotiate and conclude contracts for the furnishing thereof; provided, that upon all orders to manufacturers for direct shipment to the United States he agrees to insert a notice to the manufacturer to the effect that the supplies are purchased for the United States and that the manufacturer is within the terms of Article 104 of these Regulations requiring compliance with the provisions of the "Public Contracts Act".

(4) A regular dealer in hay, grain, feed, or straw may be a person who owns, operates, or maintains a store, warehouse, or other place of business in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles, or equipment.

Except as hereinafter provided, every bid received from any bidder who does not fall within one of the foregoing categories shall be rejected by the contracting officer.

Whenever justice and the public interest will be served, bids for a contract or class of contracts will be exempted from the foregoing requirement by the Secretary of Labor upon the request of the head of the contracting agency or department when accompanied by his finding of fact that it will be so difficult to obtain satisfactory bids for the contract or class of contracts under the stipulated restriction, that the conduct of Government business will be seriously impaired.

Art. 102 (Employees Affected). The stipulations shall be deemed applicable only to employees engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment required under the contract and, shall not be deemed applicable to office or custodial employees.

Art. 103 (Overtime). Employees engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment used in the performance of the contract may be employed in excess of 8 hours in any 1 day or in excess of 40 hours in any 1 week, provided such persons shall be paid for any hours in excess of such limits the overtime rate of pay which has been set therefore by the Secretary of Labor.

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Until otherwise set by the Secretary of Labor the rate of pay for such overtime shall be one and one-half times the basic hourly rate or piece rate received by the employee.

If in any 1 week or part thereof an employee is engaged in work covered by the contractor's stipulations, his overtime shall be computed after 8 hours in any 1 day or after 40 hours in any 1 week during which no single daily total of employment may be in excess of 8 hours without payment of the overtime rate.

Art. 104. (Dealer as Agent of Undisclosed Principal). Whenever a dealer to whom a contract within the Act and Regulations has been awarded, causes a manufacturer to deliver directly to the Government the materials, supplies, articles or equipment required under the contract, such dealer will be deemed the agent of the manufacturer in executing the contract. As the principal of such agent the manufacturer will be deemed to have agreed to the stipulations contained in the contract.

Art. 201 (Breach of Stipulations). Whenever the Department of Labor notifies the head of a contracting agency that a contractor is liable for liquidated damages by reason of a breach of stipulations as provided in section 2 of the Act, there shall be withheld from any balance due under the contract such amount as may be necessary to satisfy such liability pending final disposition of the case.

Whenever a final determination of a breach of stipulations is made, the Secretary of Labor will furnish to the contracting agency a copy of the findings and decision with such recommendations as will assist the contracting agency in determining whether or not the contract should be cancelled for such breach.

Art. 501. (Records of Employment). Every contractor subject to the provisions of the Act and these Regulations shall maintain the following records of employment which shall be available for the inspection and transcription of authorized representatives of the Secretary of Labor:

(a) Name, address, sex, and occupation of each employee covered by the contract stipulations.

(b) Date of birth of each such employee under 21 years of age.

(c) Wage and hour records of each such employee including the rate of wages and the amount paid each pay period, the hours worked each day and each week, and the period during which each such employee was engaged in a government contract with the number of such contract. Compliance with this subsection shall be deemed complete if wage and hour records for all employees in the plant are maintained during the period between the award of any government contract and the date of delivery of the materials, supplies, articles, or equipment: Provided, That where no separate records for employees engaged on government contracts are maintained, it shall be presumed until affirmative proof is presented to the contrary that all employees in the plant, from the date of award of any such contract until the date of delivery of the materials, supplies, articles, or equipment, were engaged on such government contract.

Such records shall be kept on file for at least 1 year after the termination of the contract.

Art. 601 (Requests for Exceptions and Exemptions). Request for the exception or exemption of a contract or class of contracts from the inclusion or application of one or more of those stipulations required by article 1 must be made by the head of a contracting agency or department and shall be accompanied with a finding by him setting forth reasons why such inclusion or application will seriously impair the conduct of Government business.

Request for the exception or exemption of a stipulation respecting minimum rates of pay and maximum hours of labor contained in an existing contract must be made jointly by the head of the contracting agency and the contractor and shall be accompanied with a joint finding by them setting forth reasons why such exception or exemption is desired.

All requests for exceptions or exemptions shall be transmitted through the Procurement Division of the Treasury for submission to the Department of Labor for consideration and shall be returned through the Procurement Division.

Art. 602 (Decisions Concerning Exceptions and Exemptions). Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transmitted to the department or agency originating the request, to the Comptroller General, and to the Procurement Division of the Treasury. All such decisions shall be promulgated to all contracting agencies by the Procurement Division of the Treasury.

Art. 603 (Administrative Exemptions). The following classes of contracts have been exempted from the application of Article 1 of these Regulations pursuant to the procedure required under section 6 of the Act:

(a) Contracts for public utility services including electric light and power, water, steam, and gas;

(b) Contracts which are to be performed outside the geographic limits of the United States, its territories, and the District of Columbia, except where such performance requires a shipment from within such geographic limits;

(c) Contracts covering purchases against the account of a defaulting contractor where ^{the} stipulations required herein were not included in the defaulted contract.

Art. 701 (Definitions of "Person"). Whenever used in these Regulations, the word "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

Art. 1101 (Minimum Wages). Until a determination of the prevailing minimum wage for a particular industry or group of industries has been made by the Secretary of Labor prior to the invitation for bids, the stipulation with respect to wages in section 1 (b) of the Act will be inoperative, as provided in Article 1 (b) of these Regulations.

Determinations of prevailing minimum wages or changes therein will be published in the Federal Register and sent to contracting officers through circular letters of the Procurement Division of the Treasury. Such determinations will be effective upon the dates fixed therein.

Art. 1201 (Reports of Contracts Awarded). Whenever the contracting officer shall award a contract in which the stipulations required under Article 1 are operative, he shall furnish the Department of Labor in duplicate on forms provided for this purpose, a statement showing the name of the contracting agency, the purchase order number, the material purchased, the date of award, the contract price, the proposed date of delivery, the contractor's name and address, and the name and location of the plant or plants fabricating or supplying the subject matter of the contract.

Art. 1202 (Complaints). Whenever any officer or employee of the United States Government or of any agency thereof has any knowledge of or receives any complaint with respect to a breach or violation of the stipulations required under Article 1, he shall transmit such complaint according to the usual practice in his department to the Department of Labor together with such other information as he has in his possession.

Art. 1203 (Other Contracts). Nothing in these Regulations shall be construed as impairing the authority possessed by any contracting agency to require labor standards in contracts not covered by this Act.

FRANCES PERKINS

Secretary of Labor.

Washington, D.C., September 14, 1936.
(Amended October 17, 1936 and April 8, 1939)

AS A PART OF HIS PROPOSAL, BIDDER MUST EXECUTE THE FOLLOWING CERTIFICATE:

Certificate

I, hereby certify that, under the definitions contained in subsections (a) and (b) of Part II, Art. 101, of the Regulations quoted above, I am a manufacturer of or a regular dealer in the materials, supplies, articles, or equipment covered by my proposal.

Signature.

